

CHAPTER 48-12-01.1 NONTRADITIONAL LIVESTOCK

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48-12-01.1-01. Definitions. For purposes of this article:

1. "Board" means the state board of animal health.
2. "Confinement" means any structure or other means intended to keep an animal within bounds or restrict its movement.
3. "Domestic animal" means dog, cat, horse, bovine animal, sheep, goat, bison, farmed elk, llama, alpaca, or swine.
4. "Environmentally dangerous animal" means animals that are known to cause exceptionally serious depredation to the environment.
5. "Herd" means any group of livestock maintained on common ground, or two or more groups of livestock under common ownership or supervision that are geographically separated from other herds but can have an interchange or movement without regard to health status, as determined by the state veterinarian.
6. "Hybrid" means an animal produced by interbreeding different species or subspecies.
7. "Importation permit" means authorization obtained from the board for the importation of animals into North Dakota.
8. "Inherently dangerous animal" means any animal that is intrinsically dangerous by nature and poses life-threatening risks.

9. "License" means a document obtained from the board and issued to a person for the maintenance of a category 2 or category 3 species in North Dakota.
10. "Maintain" means to own, possess, control, restrain, or keep in captivity.
11. "Nontraditional livestock" means any wildlife held in confinement or an animal that is physically altered to limit movement and facilitate capture. Nontraditional livestock also includes ova, semen, eggs, or embryos of such livestock.
12. "Nontraditional livestock auction permit" is a document that may be issued by the board for organized auctions or sales of category 2 or category 3 nontraditional livestock.
13. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
14. "Primates" means nonhuman primates.
15. "Protected species" means all wild varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sage hens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, mourning doves, crows, white-tailed deer, mule deer, moose, elk, bighorn sheep, mountain goats, antelope (pronghorn), mink, muskrats, weasels, wolverines, otters, martens, fishers, kit or swift foxes, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, mountain lions, black bears, red or gray foxes, and tree squirrels.
16. "Restricted species" means those species, hybrids, eggs, or embryos found by the board to be detrimental to existing animals and their habitat through parasites, disease, habitat degradation, or competition.
17. "Special license" means a license that is obtained from and approved by the board for a category 3 species, requiring individual application.
18. "Species category list" is a listing of species previously reviewed and currently categorized by the board. This list is available from the state veterinarian's office.
19. "Venomous reptile" means a reptile that is normally considered a venomous or poisonous species where found in its native habitat and that can inflict serious bodily injury or death upon a human being, regardless of whether an individual animal has been de venomized.
20. "Wildlife" means any member of the animal kingdom, including any mammal, fish, bird, (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or

other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals or birds or animals held in private ownership.

21. "Wolf" means any animal of the species *canis lupis*.
22. "Wolf-hybrid" means any animal that is any part wolf.
23. "Zone 1" is that area bordered by a line that begins at the junction of the Montana border and Missouri River, runs east along the Missouri River to highway 49, south to highway 21, west to highway 22 to the Slope-Bowman county line, and west to Montana.
24. "Zone 2" is that area bordered by a line that begins at the Minnesota state line on highway 2, runs west to Towner and north along the Souris River to the Canadian border.
25. "Zoo" means an organization with a class C exhibitor's license which follows United States department of agriculture regulations and is inspected by the United States department of agriculture animal and plant health inspection service.

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General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-02. Categories of nontraditional livestock.

1. Category 1 are those species generally considered domestic, or other species that are not inherently dangerous, that do not pose a health risk to humans, domestic, or wild species, and do not pose a hazard to the environment as determined by the board. Category 1 includes turkeys, geese, and ducks morphologically distinguishable from wild turkeys, geese, ducks, pigeons, mules, donkeys, asses, ratites, chinchilla, Guinea fowl, ferrets, ranch foxes, ranch mink, peafowl, all pheasants, quail, chukar, hedgehog, and degus. Category 1 species do not require nontraditional livestock licensure but must otherwise comply with these rules.
2. Category 2 are certain protected species or those species that may pose health risks to humans or animals or may be environmentally hazardous as determined by the board. Category 2 includes all nondomestic ungulates, including all deer (*cervidae*) and pronghorn, nondomestic cats not listed in category 3, waterfowl, shorebirds, upland game birds not listed in category 1, crows, wolverines, otters, martens, fishers, kit or swift foxes, badgers, coyotes, mink, red and gray fox, muskrats, beavers, weasels, opossums, prairie dogs, and other ground squirrels. Owners of category 2 species must maintain nontraditional livestock licensure.

3. Category 3 are those species determined by the board to pose special concerns, including species which are inherently dangerous or environmentally hazardous. Owners of category 3 species must maintain nontraditional livestock licensure and are subject to additional housing and care requirements. Category 3 includes the following species and their hybrids:
 - a. All wild species of the family suidae except swine considered domestic in North Dakota by the board of animal health.
 - b. Big cats, including mountain lion, jaguar, leopard, lion, tiger, and cheetah.
 - c. Bears.
 - d. Wolves and wolf-hybrids.
 - e. Venomous reptiles.
 - f. Primates.
 - g. Nondomestic sheep and hybrids and nondomestic goats and hybrids.
4. Exempt animals. Farmed elk are exempt because they are regulated as domestic animals under North Dakota Century Code section 36-01-00.1 and regulated pursuant to North Dakota Century Code chapter 36-25. Unless the state veterinarian determines it is necessary based on disease incidence information or human health or safety concerns, the following are exempt from the importation permit and certificate of veterinary inspection requirement:
 - a. Arachnids.
 - b. Amphibians.
 - c. Invertebrates.
 - d. Nonvenomous reptiles.
 - e. Tropical freshwater and saltwater fish.
 - f. Gerbils.
 - g. Guinea pigs.
 - h. Hamsters.

- i. Mice.
 - j. Rats.
 - k. Rabbits.
 - l. Sugar gliders.
- 5. Prohibited animals.
 - a. Ownership of raccoons and skunks is prohibited. A person may not keep a skunk or raccoon in captivity. This does not apply to a zoo licensed by the animal care program of the animal and plant health inspection service of the United States department of agriculture. Any animal kept in violation must be confiscated and disposed of.
 - b. The board may prohibit ownership of any animal deemed to be a significant threat to human or animal health in North Dakota.
- 6. Animals not referred to in this section must be reviewed by the state board of animal health.

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General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-03. Penalties.

- 1. The board may order any nontraditional livestock brought into this state which is not in compliance to be returned to the state of origin, or in the alternative, the board may order the animals slaughtered or destroyed.
- 2. If, after a hearing, the board finds that a person has brought, kept, or received any nontraditional livestock in this state and the livestock are not in compliance with the rules, a civil penalty not to exceed five thousand dollars per violation may be assessed against that person.
- 3. Any person who knowingly violates any rule of the board is guilty of an infraction.

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General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-04. Importation requirements for category 2 and category 3 species.

1. No person may import any nontraditional livestock without first obtaining an importation permit, when required by this chapter, from the office of the state veterinarian.
2. The state veterinarian may deny the importation of animals that are infected with, recently exposed to, or suspected of being infected with or recently exposed to any infectious or transmissible disease, or that originate from a quarantined area.
3. An animal may not be imported, without approval from the board, if the animal originated in a herd that has been quarantined for a reportable disease or was under other state or federal regulatory action for a disease-related matter.
4. Any imported animal must be accompanied by an approved certificate of veterinary inspection confirming a physical examination by a licensed, accredited veterinarian of the animals to be imported.
5. Red deer and red deer hybrids will not be allowed in zone 1 or zone 2.
6. Minimum specific disease test results and health statements that must be included on a certificate of veterinary inspection include:
 - a. Tuberculosis requirements for states with tuberculosis-modified accredited cervid status:
 - (1) Cervids that are moved directly to slaughter at an approved slaughtering establishment must be identified with an official form of identification and be accompanied by a certificate of veterinary inspection. A tuberculosis test is not required.
 - (2) Cervids from a herd with a current accredited-free cervid status for tuberculosis may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are officially identified.
 - (b) They are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within twenty-four or thirty-six months, prior to the movement.
 - (c) All cervids, except animals nursing negative dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official

test for bovine tuberculosis within ninety days of movement or consignment.

- (3) Cervids from a cervid tuberculosis-qualified herd may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are officially identified.
 - (b) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative dams, were negative to an official test for bovine tuberculosis conducted within six months prior to the movement.
 - (c) All cervids, except animals nursing negative dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official test for bovine tuberculosis within ninety days of movement or consignment.
- (4) Cervids from a cervid tuberculosis-monitored herd may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are officially identified.
 - (b) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative dams, were negative to an official tests for bovine tuberculosis conducted within ninety days prior to the movement.
- (5) Cervids from herds of unknown cervid tuberculosis status may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are officially identified.
 - (b) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative dams, were negative to two official tests for bovine tuberculosis. The required test must be conducted not less than ninety days apart and with the second test conducted within ninety days of the movement.
 - (c) All cervids, except animals nursing negative dams, in a consignment that is being moved from a herd located

in a state or zone lacking accredited-free status for bovine tuberculosis must be from a herd that has had a negative official test for bovine tuberculosis within twelve months prior to the movement. All farmed cervids in the movement, except animals nursing negative dams, must be negative to a second official test for bovine tuberculosis conducted within ninety days prior to the movement unless the herd of origin herd test was conducted within ninety days prior to the movement.

- b. Tuberculosis requirements for states without tuberculosis-modified accredited cervid status may be subject to additional import requirements at the discretion of the state veterinarian.
- c. Tuberculosis requirements for all other species. Testing requirements will be determined on a species-by-species basis by the state veterinarian.
- d. Brucellosis requirements are as follows:
 - (1) Reindeer (rangifer):
 - (a) For certified brucellosis-free cervid herds, no movement testing is required.
 - (b) For brucellosis-monitored cervid herds, all sexually intact animals six months of age or older must test negative for brucellosis by four different official tests as specified by the state veterinarian within ninety days prior to importation.
 - (2) All other cervidae:
 - (a) For certified brucellosis-free cervid herds, no movement testing is required.
 - (b) For brucellosis-monitored cervid herds, all sexually intact animals six months of age or older must test negative for brucellosis by two different official tests within ninety days prior to importation.
 - (c) All sexually intact animals six months of age or older must test negative for brucellosis by two official brucellosis tests within thirty days prior to importation.
 - (3) For all other species, testing requirements will be determined on a species-by-species basis by the state veterinarian.

e. Chronic wasting disease requirements:

- (1) White-tailed deer, mule deer, and red deer must pass a satisfactory risk assessment for chronic wasting disease, conducted by the state veterinarian's office. Persons seeking an importation permit for these species must be notified of the decision by the state veterinarian's office within ten days of submitting the chronic wasting disease risk assessment form. Animals must be shipped within thirty days of approval. After thirty days, a new risk assessment must be submitted and approved prior to shipment.
- (2) The following statement must be verified on the certificate of veterinary inspection for white-tailed deer, mule deer, and red deer by the herd veterinarian:

These animals and the herd they originate from have no history of emaciation, depression, excessive salivation or thirst, or neurological disease. In the event of these symptoms, appropriate diagnostic measures were taken to rule out a transmissible spongiform encephalopathy. These animals have not been exposed to an elk or deer diagnosed positive for a transmissible spongiform encephalopathy.

- (3) No white-tailed deer, mule deer, or red deer may be imported from a herd where chronic wasting disease has been diagnosed or a herd that has had chronic wasting disease traced to it unless that herd has undergone sixty months of surveillance after the last case of chronic wasting disease. The surveillance must meet the standards set by the state veterinarian.
- f. Equine infectious anemia. All equidae must have a negative serologic test for equine infectious anemia approved by the state veterinarian within twelve months prior to entry into North Dakota.
- g. Rabies. With respect to captive-bred animals of the order carnivora, vaccination is required for species for which there is a USDA-approved vaccine. For species for which there is no USDA-approved vaccination, the following statement must be included on the certificate of veterinary inspection: "The animals on the premises of origin have been free from symptoms of rabies for the past 12 months." Carnivores taken from the wild in other states may not enter the state if rabies has been diagnosed in the past twelve months in the same species in the state of origin. The animals may not come from an area that is quarantined for rabies, unless approved by the North Dakota state veterinarian.

- h. Johne's disease. For all ruminants, the following statement must be included on the certificate of veterinary inspection, signed by a licensed, accredited veterinarian in the state or province of origin:

To the best of my knowledge, animals listed herein are not infected with paratuberculosis (Johne's disease) and have not been exposed to animals infected with paratuberculosis.

- i. Diseases of birds:

- (1) Pullorum and fowl typhoid (galliformes):

- (a) Galliformes, including prairie chicken (*tympanuchus cupido*), quail, pheasants (*phasianus colchicus*), chukar (*alectoris chukar*), gray (Hungarian) partridge (*perdix perdix*), and wild turkey (*meleagris gallopavo*), including eggs and hatchlings unless going directly to slaughter, must originate from a producer who is participating in the pullorum fowl typhoid control phase of the national poultry improvement plan;
- (b) The birds must be tested serologically negative for pullorum and fowl typhoid within the past ninety days. Serum testing or national poultry improvement plan active status is required for birds of the order galliformes; or
- (c) In lieu of pullorum and fowl typhoid testing of other galliformes, the following statement may be included on the certificate of veterinary inspection:

To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months.

This statement must be signed by the veterinarian and the owner or the owner's representative.

- (2) Exotic Newcastle disease (viscerotropic, velogenic viruses) psittacosis (Psittacines). The following statement, which applies to all psittacine birds entering the state, must be included on the certificate of veterinary inspection:

To my knowledge, birds listed herein are not infected with exotic Newcastle disease or psittacosis and have not been exposed to birds

known to be infected with exotic Newcastle disease or psittacosis within the past 30 days.

This statement must be signed by the veterinarian and the owner or the owner's representative.

- (3) Mycoplasmosis. All wild turkeys, including eggs and hatchlings of the species *meleagris gallopavo*, unless going directly to slaughter, must:
 - (a) Originate from a producer who is participating in the mycoplasmosis control phase of the national poultry improvement plan; or
 - (b) The birds must have been tested serologically negative for *mycoplasma gallisepticum* and *M. synoviae* within the past thirty days.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-05. Importation permits required - Denial - Exemption.

1. Except as provided in this chapter, no person may import any nontraditional livestock without first obtaining an import permit from the office of the state veterinarian.
2. The import permit number must be written on the certificate of veterinary inspection, unless the nontraditional livestock are being imported without a certificate of veterinary inspection for immediate slaughter pursuant to North Dakota Century Code section 36-14-10.
3. Import permits expire ten days after the issuance and are not transferable.
4. Upon a determination that the import permit applicant or permittee is or has been in violation of the requirements of the subject permit or that the applicant has provided inaccurate information with respect to the permit request, the state veterinarian may deny permits issued pursuant to these rules.
5. The state veterinarian may deny an import permit if the state veterinarian has information that an animal:
 - a. Has not met the disease testing, vaccination, and identification requirements set forth in North Dakota Century Code title 36 or this chapter, or as otherwise required by the state veterinarian.

- b. Has not met or satisfied preentry quarantine conditions imposed by law.
- c. Is or may be infected with a contagious or infectious disease.
- d. Has been exposed or may have been exposed to a contagious or infectious disease.
- e. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to a contagious or infectious disease.
- f. May be a threat to the health and well-being of the human or animal population of the state, or both.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-06. Intrastate movement requirements.

- 1. Red deer and red deer hybrids will not be allowed in zone 1 or zone 2.
- 2. Special permission must be obtained from the board to possess nondomestic sheep and hybrids or nondomestic goats and hybrids south and west of the Missouri River.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-07. License requirements for category 2 and category 3 species.

- 1. The owner must obtain a license from the board prior to acquiring the livestock. Fees must be paid under North Dakota Century Code section 36-01-08.1 prior to issuance of a license.
- 2. Upon initial application, inspection of premises and facilities to meet board guidelines will be conducted by a game and fish department representative, licensed veterinarians, or individuals approved by the board and subsequent inspections as deemed necessary by the board.
- 3. An owner of nontraditional livestock must allow inspection of inventory and health records, holding facilities, and licensed nontraditional livestock by the board or its agent during the term of the license and during normal working hours. The licensee or the licensee's agent must accompany the person conducting the inspection.

4. Additional disease testing may be required by the board prior to importation or sale if there is reason to believe other diseases, parasites, or health risks are present.
5. All category 2 or category 3 nontraditional livestock owners must provide a description of the premises and facilities and a sketch or map of the facilities. The sketch or map must include the proposed exterior boundary, location of the holding and handling facilities, the quarantine area, and the proposed location of all gates at the time of application for a nontraditional livestock license. The board may require additional information.
6. Category 2 and category 3 species may not be maintained, released, imported, transported, sold, bartered, or traded within the state except as authorized.
7. Reclassification of any species is contingent upon scientific information indicating the risks posed by these species to native wildlife populations and domestic livestock and must be reviewed by the board.
8. Any animal determined by the board to pose a significant threat to the state's wildlife resources, domestic animals, or human health must be held in quarantine at the owner's expense until disposition is determined by the board.
9. Licenses expire on January thirty-first of each year, and failure to renew a nontraditional livestock license within ninety days requires the owner to dispose of livestock as specified by the board.
10. Inventory reports are due on January thirty-first of each year. Failure to file an inventory report by its due date is cause for revocation of the license. When an annual inventory report is received, the board may evaluate the existing holding facility to determine if it is adequate to contain the number and type of nontraditional livestock for which applied and the purpose for which they will be held.
 - a. Annual inventory reports must be recorded on the forms provided by the board and must be filled out completely and accurately.
 - b. Total purchases, sales, deaths, releases or other animal transfers, and births must be reported on the annual inventory reports. Increases by birth for the year must be reported on the annual inventory report.
 - c. Any livestock transferred, bought, or sold must include an itemized bill of sale, a certificate of veterinary inspection, or a manifest at transfer of ownership that must include individual identification if applicable, species, age, sex, number of animals, buyer and seller and their respective addresses, date of sale, and available

nontraditional livestock license numbers. All manifests and bills of sale must be submitted to the board within two weeks of the occurrence.

11. No owner of category 2 or category 3 nontraditional livestock may, without prior written approval from the board, release or abandon livestock. Game bird releases must be stipulated in the license application.
12. Upon expiration or revocation of a license, all formerly licensed nontraditional livestock in possession must be disposed of by the licensee as directed by the board. No formerly licensed nontraditional livestock may be abandoned, released, or removed from the holding facility without prior written approval of the board. All formerly licensed nontraditional livestock remaining at the holding facility upon a reasonable period after expiration or revocation of the license may be disposed of by the board.
13. The board may revoke any license or deny any license application and may dispose of any nontraditional livestock imported or transported for failing to comply with these rules or with conditions placed on the license at the time of issuance. The board may revoke any license or deny any license application if the applicant, or agent, falsified information on the license application or on the certificate of veterinary inspection, or falsified or failed to keep or submit records as required by this chapter. The revocation of a license or denial of a license application must comply with North Dakota Century Code chapter 28-32.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-08. Chronic wasting disease. The owner of any white-tailed deer, mule deer, or moose twelve months of age and older which die for any reason must submit the appropriate tissue to an approved laboratory for chronic wasting disease surveillance. Official identification must accompany the sample to the laboratory. The state veterinarian may grant exemptions to this surveillance under extenuating circumstances. A chronic wasting disease diagnosis will be based on postmortem brain testing confirmed by the national veterinary services laboratory. Other species may be subject to this requirement as determined by the state veterinarian.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-09. Fencing requirements.

1. Owners of all categories of nontraditional livestock must comply with fencing or enclosure standards that will assure containment.
2. Unless otherwise specified, perimeter fences for cervids, nondomestic sheep and goats, and nondomestic hybrid sheep and goats must follow the height requirements in this section. The bottom of the fence must be at or below ground level. The fence must be a mesh of a size to prevent escape and not spaced more than six inches apart.
 - a. Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.
 - b. All gates in the perimeter fence must be locked and there must not be more than six inches below or between gates.
 - c. Posts must be of sufficient strength to keep nontraditional livestock securely contained. The posts must extend to the upper limits of the height requirement and be spaced no more than twenty-four feet apart.
 - d. Each fawning or lambing pen must not exceed one hundred sixty acres.
 - e. The minimum standards for perimeter fences are as follows:
 - (1) A four-foot fence for small cervid species, including muntjac.
 - (2) A six-foot fence for fallow deer.
 - (3) An eight-foot fence for white-tailed deer, mule deer, red deer, nondomestic sheep and hybrids, and nondomestic goats and hybrids.
3. Animals may be subject to additional fencing requirements at the discretion of the state veterinarian.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-10. Housing and handling facility requirements.

1. A license or permit may not be granted by the board until it is satisfied that the provisions for housing and caring for such nontraditional livestock and for protecting the public are proper and adequate and in accordance with the standards established by the board.

2. The board may examine all lands and buildings licensed as game bird and animal farms, deer farms, or fur farms to determine whether all nontraditional livestock held on licensed farms are treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care, and food.
3. All category 2 or category 3 nontraditional livestock operators must have holding and handling facilities that enable handling, marketing, and individual identification of all nontraditional livestock on the premises. A permanent or portable handling facility must be accessible to the nontraditional livestock farm at all times.
4. All category 2 and category 3 nontraditional livestock premises must have an approved quarantine facility within its exterior boundary or submit an action plan to the board that guarantees access to an approved quarantine facility within the state.
 - a. The quarantine area must provide for proper isolation, separate feed and water, escape security, and allowance for the humane holding and care of its occupants for extended periods of time.
 - b. Should quarantine become necessary, the nontraditional livestock owner must provide an onsite quarantine facility or make arrangements at the owner's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-11. Escaped nontraditional livestock.

1. All category 2 or category 3 escapes must be reported to the board within one working day of discovery.
2. An owner of category 2 or category 3 livestock must notify the board within one working day of the capture or death of an escaped category 2 or category 3 animal.
3. An owner of category 2 or category 3 livestock must recapture or destroy the escaped category 2 or category 3 animal within four days except where public safety or the health of the domestic or wild population is at risk, in which case the animal may be disposed of immediately. An extension may be granted at the discretion of the state veterinarian.
4. The board may authorize an agent to seize, capture, or destroy category 2 or category 3 nontraditional livestock that have escaped their possessor's control. A fee will be assessed to seize, capture,

or destroy the animal, and the producer must reimburse costs not to exceed fifty dollars per animal to the responding agent.

5. The board or its designated agent may inspect any recaptured animal before it is commingled with other animals.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-12. Identification requirements.

1. Category 2 and category 3 nontraditional livestock maintained within North Dakota or transferred to any nontraditional livestock premises within the state of North Dakota must be identified as prescribed by the board.
2. All category 2 or category 3 hooved nontraditional livestock not distinguishable from wild species must be individually identified with a visual tag approved by the board and must be marked within twelve months of birth, or prior to removal of the animal from the nontraditional livestock premises.
3. An owner of category 2 or category 3 livestock must record the number and other information as specified and approved by the board.
4. Tags or identification numbers may be requested from an agent of the board during business hours. An owner of category 2 or category 3 livestock must record the identification number and sex of the animals marked. A board representative may make available the tags or identification to the nontraditional livestock operator.
5. Change of animal identification must be reported on the annual inventory report.
6. Identification assigned to an individual nontraditional livestock animal may not be transferred to any other animal.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-13. Waivers and exemptions. The board may waive any rule that constitutes an undue hardship to an individual. An individual wishing to receive a waiver of any rule must apply to the board stating specifically why there is a compelling need to have a rule waived and showing that the grant of waiver will not threaten or adversely affect any domestic or wild animal.

Exemptions of the rules pertaining to nontraditional livestock may be allowed by the board for purposes of preservation, viewing, and education, including research.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-14. Zoos. Zoos, research facilities, and education facilities must comply with requirements established for nontraditional livestock. Exemptions to specific testing may be allowed by the state veterinarian for endangered or highly valuable animals in instances where risk of death due to drug immobilization or physical restraint outweighs the likelihood that the animal harbors the disease in question. This applies to licensed zoos and class B brokers, as defined by the United States department of agriculture, dealing with another licensed zoo.

Zoos accredited by the American zoo and aquarium association importing exotic animals should work directly with the state veterinarian's office and are not required to appear before the board of animal health. The state veterinarian shall determine any testing needed, utilizing information from other veterinarians if warranted. Zoos must conduct testing that is deemed appropriate by the state veterinarian.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48-12-01.1-15. Auction sales.

1. Sales of category 2 and category 3 nontraditional livestock conducted through a process in which they are held out for sale to the public, through auction, bidding, or otherwise published or announced for sale, require a nontraditional livestock auction permit and veterinary inspection of animals.
2. The application for an auction permit must be submitted to the board at least thirty days prior to the date of auction. Once issued, the permit is valid for that event only.
3. Immediately prior to the beginning of the auction of a nontraditional livestock animal, information concerning requirements for nontraditional livestock license, disease testing, and certificates of veterinary inspection, must be provided by sales management to potential buyers.
4. Purchasers of category 3 animals must have a current nontraditional livestock license for that species in place prior to taking possession of category 3 animals. All potential buyers and sellers must register at the auction and provide their nontraditional livestock license numbers, if applicable. A ten-day grace period, in which to apply for a license,

may be granted to purchasers of category 2 animals provided adequate facilities are available to house the animals. All nontraditional livestock are subject to all other regulations while in the state.

5. Applicable federal requirements must be met.
6. The nontraditional livestock auction permitholder must ensure that an attending veterinarian licensed in North Dakota and accredited is available during the permitted nontraditional livestock auction sale. The attending veterinarian must inspect the animals prior to sale on the day of sale. Nontraditional livestock unfit for sale, as determined by the veterinarian, shall not be accepted for sale or trade.
7. Auction sale operators must submit records on all animals consigned for the auction to the board as specified in the auction permit within ten days of the date of the auction.
8. Facilities and records may be inspected by the board or its agent during standard working hours. Records kept in accordance with the federal Animal Welfare Act are sufficient if applicable to the species involved. Inspections made by the United States department of agriculture inspectors may be substituted for state inspection.
9. Events that do not meet the above criteria and when the exchange of nontraditional livestock licensed animals is limited to private treaty sales are exempt from these requirements.
10. Private sales or exchanges on the auction grounds on the dates of auction are prohibited.

History: Effective January 1, 2007.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12